

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MOUNTAIN EXPRESS OIL COMPANY, et al.,

Debtors.¹

Chapter 7

Case No. 23-90147 (EVR)

(Jointly Administered)

**STIPULATION REGARDING EXTENSION OF SCHEDULING DEADLINES AND
RESCHEDULING OF HEARING IN CONNECTION WITH CHAPTER 11 FINAL FEE
APPLICATIONS AND RESERVE DISTRIBUTION MOTION**

[Related to Docket Nos. 1632, 1854]

WHEREAS, on October 3, 2023, Pachulski Stang Ziehl & Jones LLP (“PSZJ”), former counsel to the above captioned Debtors (the “Debtors”) filed the *Motion of Former Counsel for the Debtors for Entry of an Order Authorizing the Payment of Estate Professionals’ Fees Pursuant to Final DIP Order and Professional Fee Order* [Docket No. 1519] (the “Reserve Distribution Motion”).

WHEREAS, on November 1, 2023, the Court approved and ordered the *Stipulation Regarding Scheduling Deadlines and Hearing in Connection with Chapter 11 Final Fee Applications and Reserve Distribution Motion* [Docket No. 1632] (the “Scheduling Order”), which established certain deadlines and scheduled a hearing (the “Hearing”) on the Reserve Distribution Motion and the Final Fee Applications for February 15, 2024, at 9:00 a.m. (Central Time).²

¹ A complete list of each of the Debtors in these chapter 7 cases may be obtained for a fee at the Court’s website at <http://ecf.txsb.uscourts.gov>. A login identification and password to the Court’s Public Access to Court Electronic Records (“PACER”) are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. The location of Debtor Mountain Express Oil Company’s principal place of business and the Debtors’ service address in the chapter 11 cases was 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

² A capitalized term used but not defined herein shall have the meaning ascribed to it in the Scheduling Order.

WHEREAS, on November 15, 2023, Akerman LLP, Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, PSZJ, Raymond James & Associates, Inc., FTI Consulting, Inc, and Axinn, Veltrop & Harkrider LLP each filed their Final Fee Applications [Docket Nos. 1718, 1720, 1721, 1722, 1724 and 1725, respectively].

WHEREAS, on January 16, 2024, the Court approved and ordered the *Stipulation Regarding Extension of Scheduling Deadlines and Rescheduling of Hearing in Connection with Chapter 11 Final Fee Applications and Reserve Distribution Motion* [Docket No. 1854] (the “Second Scheduling Order”), which established certain extended deadlines and rescheduled the Hearing to March 29, 2024, at 9:00 a.m. (Central Time).

WHEREAS, pursuant to the Second Scheduling Order, (i) February 29, 2024 is the current deadline for the Trustee and First Horizon Bank only, to file (a) objections to any of the Final Fee Applications and (b) any supplemental objection to the Reserve Distribution Motion; and (ii) March 1, 2024 is the current deadline to file any replies (the “Reply Deadline”) to any objections to the Final Fee Applications and/or the Reserve Distribution Motion.

WHEREAS, certain Parties’ availability for the Hearing was inadvertently excluded from the Second Scheduling Order despite having been mutually agreed to by all parties hereto. The Second Scheduling Order set the Hearing for March 29, 2024, however, PSZJ is unavailable before April 15, 2024 and the other Parties had mutually agreed to a hearing date thereafter, as may be convenient for the Court.

WHEREAS, for the benefit of the Court and the Chapter 7 Trustee, and the efficient administration of these estates, the undersigned parties hereto have agreed, subject to the Court’s consideration and approval, to limited modifications of the Hearing date and Reply Deadline set forth in the Court’s Second Scheduling Order (this “Stipulation”), as set forth below.

NOW, THEREFORE, IT IS STIPULATED AND AGREED TO BY THE PARTIES, AND UPON APPROVAL BY THE COURT OF THIS STIPULATION, IT IS SO ORDERED AS FOLLOWS:

1. The above recitals are incorporated by reference herein with the same force and effect as if fully set forth hereinafter.
2. The Reply Deadline shall be March 14, 2024.
3. A hearing on the Final Fee Applications shall be held on April/May __, 2024, electronically via gotomeeting, at __:___ __.m., CST.
4. This Stipulation may be executed by electronic means and the printed product of such shall constitute an original of this Stipulation.
5. Notwithstanding anything in the Bankruptcy Code or the Bankruptcy Rules to the contrary, this Stipulation shall be effective immediately upon Bankruptcy Court approval thereof.
6. The Bankruptcy Court shall have exclusive jurisdiction and power regarding the implementation, interpretation, and enforcement of this Stipulation.

Signed: _____

Eduardo V. Rodriguez
Chief United States Bankruptcy Judge

AGREED AS TO FORM AND CONTENT:

Dated: January 19, 2024

/s/ Michael D. Warner

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